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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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OFFICE OF PETITIONS

Decision on Petition

In re Patent of Adams et al. :
Patent No. 7,098,571 :
Issue Date: August 29, 2006 :
Application No. 10/766,720 :
Filing Date: January 27, 2004 :
Attorney Docket No. 4341P053D2 :

This is a decision in response to the "Request for Refund Pursuant to 37 CFR §1.26(a)" filed January 15, 2009, which is being treated as a petition under 37 CFR 1.181.

The petition is **granted**.

The Office mailed a Notice of Allowance on April 7, 2006.

Petitioner filed the issue fee on July 10, 2006. Petitioner also filed a paper titled, "Cross-Reference Under 37 C.F.R. § 1.78(a)(2) to Related Applications" ("Cross-Reference") on July 10, 2006.

The Cross-Reference stated,

Pursuant to 37 C.F.R. § 1.78(a)(2), applicants hereby cross-reference the following related patents and patent applications:

- (1) U.S. patent application no. 09/775,491, ... which claims the benefit of provisional patent application no. 60/179,912, ...;
- (2) U.S. patent application no. 10/766,087, ...;
- (3) U.S. patent application no. 09/231,062, ... which claims the benefit of provisional patent application no. 60/071,390, ...;
- (4) U.S. patent application no. 09/548,680, ... which is a divisional of U.S. patent application no. 09/231,082, ... which claims the benefit of provisional patent application no. 60/071,390;

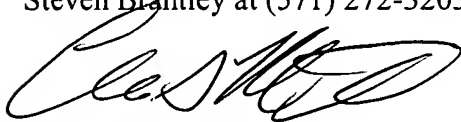
- (5) U.S. patent application no. 09/231,083, ... which claims the benefit of provisional patent application no. 60/071,569, ...;
- (6) U.S. patent application no. 10/083,600, ... which is a divisional of U.S. patent application no. 09/231,083, ... which claims the benefit of provisional patent application no. 60/071,569;

If there are any charges not covered by any checks submitted, please charge Deposit Account No. 02-2666.

The Cross-Reference was treated as a petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6). The petition was dismissed and the petition fee of \$1,370 charged to petitioner's deposit account. A review of the record indicates the Cross-Reference should not have been treated as a petition. Therefore, the petition is granted and the fee of \$1,370 has been credited back to petitioner's deposit account.

In addition to requesting a refund, Petitioner also requests entry of the Cross-Reference. The Cross-Reference has been placed in the file.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions